

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILLS NOS. 584, 539,
630, 777, 796, 918 & 927**

90TH GENERAL ASSEMBLY

Reported from the Committee on Education, March 9, 2000, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

2338S.03C

AN ACT

To repeal section 160.518, 162.790, 174.620 and 175.021, RSMo 1994, and sections 162.581, 162.601, 162.611, 163.172, 167.645, 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to education, and to enact in lieu thereof twenty-four new sections relating to the same subject, with an emergency clause for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 160.518, 162.790, 174.620 and 175.021, RSMo 1994, and sections 162.581, 162.601, 162.611, 163.172, 167.645, 172.037, 174.610 and 175.020, RSMo Supp. 1999, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 160.518, 160.560, 161.660, 162.581, 162.601, 162.611, 162.790, 162.952, 163.172, 167.645, 172.036, 172.037, 172.880, 172.890, 174.056, 174.059, 174.610, 174.620, 174.621, 174.622, 175.020, 175.021, 175.022 and 175.023, to read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides [that] maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

2. The assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3. The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. "Exemplary levels" shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of this section.

4. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

5. The department of elementary and secondary education shall furnish sufficient copies of all assessments to each school district without charge, using funds appropriated for that purpose.

160.560. 1. The provisions of this section shall be known and may be cited as the "Mastering Math Program".

2. Beginning July 1, 2001, the department of elementary and secondary education shall provide four-year, competitive matching grants to assist public school districts:

(1) In interpretation of algebraic and pre-algebraic concepts throughout the district's elementary school, middle school, junior high school curriculum; and

(2) With the establishment or enhancement of middle school or junior high school programs providing a curriculum that focuses on algebra to be offered no later than the eighth grade in the school's curriculum.

3. Grant applications may be submitted on behalf of a school building, a combination of school buildings or for all schools in the district.

4. Grant applications shall include, but shall not be limited to:

(1) A description of the school's current mathematics program, which shall, at a minimum, specifically address the focus on algebra or pre-algebra concepts in the curriculum;

(2) An evaluation of the areas of needed instructional improvement or enhancement;

(3) A description of the process of instructional improvement, including a statement regarding parental involvement in program implementation; and

(4) A description of the method for evaluating student progress, which shall, at a minimum, include stated goals for improvement in student performance.

5. Continued funding to a grantee after the second year of the grant shall be based upon improvement in student performance on the eighth grade mathematics portion of the state-wide assessment established pursuant to section 160.518.

6. Upon the conclusion of the grant and based on improvement in student performance on the mathematics portion of the state-wide assessment established pursuant to section 160.518 during the period of the grant, the department of elementary and secondary education may reimburse the grantee for its local match under the grant, with such reimbursement funds to be placed to the credit of the school district's operating funds.

7. The department of elementary and secondary education shall establish standards for improvement of student performance relating to continued grant funding and refund of matching funds pursuant to this section.

8. Grants shall be distributed in equal amounts within geographic areas established proportionately based upon student population; provided that funds may be reallocated by the department of elementary and secondary education if an area has insufficient applications or insufficient eligible applications to obligate all funds for the

area.

161.660. 1. The department of elementary and secondary education shall provide to each school district eighty dollars for each pupil within such school district that completes a driver's education course.

2. The department may promulgate rules to implement the provisions of this section.

3. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

162.581. 1. The members of the board of education shall be elected from the city, as provided in section 162.601, on a general ticket, and shall be at least twenty-four years of age, citizens and residents of the city[, and shall have been residents and citizens] for at least three years immediately preceding their election, **and residents of the subdistrict from which they are elected for at least one year immediately preceding their election.** They shall not hold any office, except that of notary public, in the city or state, nor be interested in any contract with or claim against the board, either directly or indirectly. If, at any time after [the] **his or her** election [of], any member of the board [he] becomes interested in any contract with or claim against the board, either directly or indirectly, or as agent or employee of any individual, firm or corporation, which is so interested, he **or she** shall thereupon be disqualified to continue as a member of the board, and shall continue to be so disqualified during the remainder of the term for which he **or she** was elected.

2. Every member of the board, before assuming the duties of [his] office, shall take oath before a circuit or associate circuit judge of the city, which oath shall be kept of record in the office of the board, that he **or she** possesses all the qualifications required by this section, and that he **or she** will not, while serving as a member of the board, become interested in any contract with or claim against the board, directly or indirectly, or as agent or employee of any individual, firm or corporation which is so interested, and that he **or she** will not be influenced, during his **or her** term of office, by any consideration except that of merit and fitness in the appointment of officers and the engagement of employees.

3. No compensation shall be paid to the members of the board, but they are exempt from service as election officers during the term of office.

162.601. 1. Elected members of the board in office on August 28, [1998] **2000**, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, [1998] **2000**, shall serve for the remainder of the term to which the replaced member was elected.

2. [No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3.] Three board members, **one from each even numbered subdistrict**, shall be elected at the [second] municipal election in [an odd-numbered year next following August 28, 1998,] **the year 2001 and every four years thereafter** to serve four-year terms.

[4.] **3.** Four board members, **one from each odd-numbered subdistrict**, shall be elected at the [third] municipal election in [an odd-numbered year next following August 28, 1998, and two of such members shall be elected to] **the year 2003 and every four years thereafter to serve** four-year terms [and two of such members shall be elected to three-year terms].

[5.] **4.** Beginning with the [fourth] municipal election in [an odd-numbered year next following August 28, 1998,] **the year 2001**, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

[6.] **5.** Members of the board of directors shall be elected to represent seven subdistricts. [The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7.] A member shall reside in and be elected [in] **by the voters of** the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

In the event the aggregate number of wards in the district shall be either increased or decreased in total, or if the wards in one or more subdistricts are no longer contiguous, or if the subdistricts are no longer nearly equal in population as practicable upon redistricting of the wards by the city after each decennial census, the subdistricts shall, after notice and a public hearing, be redistricted by the state board of education. The subdistricts established by the state board of education shall be compact, contiguous and as nearly equal in population as practicable and shall not cross ward lines unless the total number of wards may not be evenly divided by seven.

[8.] **6.** No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.

162.611. Any member failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated his **or her** seat; and the secretary of the board shall certify that fact to the

mayor. The secretary shall likewise certify to the mayor any other vacancy occurring in the board. Any vacancy shall be filled by the mayor by appointment **of a qualified resident of the subdistrict** for the remainder of the term.

162.790. 1. All funds derived from grants, gifts, donations or bequests or from the sale or conveyance of any property acquired through any grant, gift, donation, devise or bequest to or for the use of the Missouri School for the Blind or income received or earned on property so acquired, at the discretion of the state board of education, may be deposited in the state treasury and credited to a special fund known as the "School for the Blind Trust Fund", which is hereby created, or may be invested or reinvested by the state board of education for the Missouri School for the Blind in bonds, stocks, deeds of trust or other investment securities in the amounts and in the proportions that the state board of education prudently selects.

2. All funds derived from grants, gifts, donations or bequests or from the sale or conveyance of any property acquired through any grant, gift, donation, devise or bequest to or for the use of the Missouri School for the Deaf or income received or earned on property so acquired, at the discretion of the state board of education, may be deposited in the state treasury and credited to a special fund known as the "School for the Deaf Trust Fund", which is hereby created, or may be invested or reinvested by the state board of education for the Missouri School for the Deaf in bonds, stocks, deeds of trusts or other investment securities in the amounts and in the proportions that the state board of education prudently selects.

3. All funds derived from grants, gifts, donations or bequests or from the sale or conveyance of any property acquired through any grant, gift, donation, devise or bequest to or for the use of the state schools for severely handicapped children or income received or earned on property so acquired, at the discretion of the state board of education, may be deposited in the state treasury and credited to a special fund known as the "Handicapped Children's Trust Fund", which is hereby created, or may be invested or reinvested by the state board of education for the respective schools in bonds, stocks, deeds of trust or other investment securities in the amounts and in the proportions that the state board of education prudently selects.

4. The moneys in the school for the blind trust fund, in the school for the deaf trust fund or in the handicapped children's trust fund shall not be appropriated for the support of the schools in lieu of general state revenues but shall be appropriated only for the purpose of carrying out the objects for which the grant, gift, donation, devise or bequest was made.

5. The state board of education shall make an annual report in writing to the governor, commissioner of administration and the general assembly, on or before the first day of February of each year in which the general assembly convenes in regular session, of all moneys in the trust funds referred to herein and of all moneys administered by it pursuant to this section. The report shall include the amount of all receipts and disbursements, the name of the depository and investment officer, a description of the securities or other investments being administered, and the

plans and projects contemplated by the state board of education for use of the moneys.

6. An amount equal to the proportionate per pupil share of state aid appropriated to the Missouri School for the Deaf shall be distributed directly to the parents or legal guardian of any child from Missouri:

(1) Under twenty-one years of age;

(2) With an average unaided hearing loss of seventy decibels or greater, across all frequencies in the speech spectrum, bilaterally, as measured by a licensed audiologist;

(3) When the child does not attend the Missouri School for the Deaf and receives educational services from either the local school district or from other placements, educational services, or resources authorized by the child's individualized educational program or individualized family service plan, and when the cost of such placements, educational services, or resources are paid and documented by the parents or legal guardian of such child.

7. An amount equal to one-tenth of the proportionate per pupil share of state aid appropriated to the Missouri School for the Deaf shall be distributed directly to the parents or legal guardian of any child from Missouri:

(1) Under twenty-one years of age;

(2) With an average unaided hearing loss between twenty decibels and seventy decibels, across all frequencies in the speech spectrum, bilaterally, as measured by a licensed audiologist;

(3) When the child does not attend the Missouri School for the Deaf and receives educational services from either the local school district or from other placements, educational services, or resources authorized by the child's individualized educational program or individualized family service plan, and when the cost of such placements, educational services or resources are paid and documented by the parents or legal guardian of such child.

8. The amount equal to the proportionate per pupil share described in subsections 6 and 7 of this section shall be distributed to the parents or legal guardians only for expenses approved by the child's individualized educational program or individualized family service plan team, and only where the expenses of such placements, educational services or resources have been documented pursuant to the rules and regulations provided for in subsections 6 and 7 of this section. The state board of education shall promulgate rules and regulations, pursuant to chapter 536, RSMo, establishing the method of documenting qualifying expenses.

9. In the event that the Missouri School for the Deaf ever ceases to exist, the funding for the programs established in this section shall continue at the same rate as

the average of the last five years of funding before such occurrence, adjusted for inflation as measured by the Consumer Price Index, for all urban consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency.

162.952. 1. The division of special education within the department of elementary and secondary education, in consultation with a state-level advisory panel, shall administer a grant program, subject to appropriations, designed to expand the availability of training and information to support the needs of parents of children with disabilities. The core content of the training and information shall include:

(1) School and parent responsibilities, including an understanding of the statement of procedural safeguards;

(2) State regulations for special education with emphasis on the individualized education plan (IEP) process, as that term is defined in section 162.1130;

(3) The methods of interacting and communicating effectively with educators and other service providers.

2. The following products shall be collaboratively designed by equitable representation from the Missouri grantee for the parent training and information center as defined and funded by the Individuals with Disabilities Education Act and the Missouri council for administrators in special education:

(1) The core content for the training program;

(2) The content of the application;

(3) The selection process for the grant awards to local districts;

(4) A measurable outcome-based evaluation;

(5) The parent advisory council guidebook.

Staff from the division of special education will act as consultants and have final review of the products generated.

3. The following activities shall be collaboratively implemented by the division of special education and the parent training and information center:

(1) The state-level training for district teams;

(2) The review and awarding of the application;

(3) The yearly outcome evaluation of the parent training program at both the state and local level.

4. The parent training and information center and the Missouri council for administrators in special education shall receive funds from the appropriation to support their collaboration with the division in the design of products and implementation of activities as described in subsections 2 and 3 of this section.

5. The division shall provide grants through a competitive application process

to local school districts. To be eligible for a grant, the local school district shall agree to form a parent advisory council to support the development and implementation of the parent training effort in the district, use the core content for such training with additions as may be necessary to reflect local needs, utilize parent and educator teams from the local district to provide the training, and have teams participate in the core training offered by the division and the parent training and information center.

6. Each district applying for grant funds must have in place a parent advisory council. At least sixty percent of the members of the parent advisory council must be parents of children with disabilities who are not employed by the district or providing services to the district through a contractual arrangement. The remaining forty percent of the council membership shall be district administrators and teachers or community representatives. The chair of the council must be a parent of a child with a disability. Upon the establishment of a parent advisory council by a school district, the school board shall appoint both the parent members and the other members of the parent advisory council. The appointed parent members shall serve until the next possible county or municipal general election, at which time the parent members of the parent advisory council shall be elected. Such election shall be conducted pursuant to chapter 115, RSMo. At the first election, one-half, or an amount as close as possible to one-half, of the parent members of the parent advisory council shall be elected to two-year terms, and the other half shall be elected to four-year terms. At every subsequent election, the parent members shall be elected to four-year terms. Vacancies in parent member positions on the parent advisory council shall be filled by appointment of the school board for the remainder of the term. The other members of the parent advisory council shall serve four-year appointed terms, with one-half, or an amount as close as possible to one-half, of the initial terms to be for two years and with all subsequent terms to be for four years. Functions of the parent advisory council include, but are not limited to:

- (1) Conducting a survey to identify training needs of the community on disability issues;**
- (2) Identifying training to be offered through the grant;**
- (3) Identifying outcomes and evaluation measures for the training;**
- (4) Identification of the parent and educator who will attend the state-level core training and then conduct that core training in the district;**
- (5) Assisting in the development of the application; and**
- (6) Providing oversight to all aspects of the grant.**

7. Local school district applications shall include, but are not limited to:

- (1) The procedures by which the parent and educator will be selected to form the**

training team to provide the core training described in this section;

(2) The composition of parent advisory council formed to assist in the implementation of the training and support involved in the local school district application;

(3) The anticipated amount of funds that will be used to support the costs associated with training the parent and educator team in the core content;

(4) The anticipated amount of funds that will be used to support training supplies and costs including child-care costs associated with the parent training;

(5) A letter of support signed by the parent advisory council; and

(6) A description of how the district and the parent advisory council will notify all parents of children with disabilities of the training and formation of the parent advisory council.

8. Any dispute related to the collaborative activities identified in subsections 2 and 3 of this section shall be resolved by a mutually agreed upon mediator.

9. Local applications may be submitted by single districts or multiple districts. Multiple district applications must demonstrate parent representation from each participating district or document how such representation was sought. Parents of children with disabilities who receive educational services in out-of-district placements must be informed of all parent advisory council activities.

10. Funds not allocated to local districts under the special education parental training fund will be awarded to the parent training and information center for training parents in districts where parent advisory councils are not established.

11. Each year, the division shall designate a portion of the state appropriation to the lead agency of the state's early intervention system administered pursuant to the federal Individuals with Disabilities Education Act. The early intervention system shall use these funds for training and information dissemination to families of infants and toddlers who are receiving services from the early intervention system. The appropriation to the early intervention system shall be based on the proportionate number of children served in the early intervention system compared to the number of children with disabilities served by school districts.

12. There is hereby created in the state treasury the "Special Education Parental Training Fund" which shall be administered by the division of special education within the department of elementary and secondary education. Moneys in the fund shall, upon appropriation, be used to establish and maintain the special education parental training program pursuant to subsection 1 of this section.

13. The provisions of section 33.080, RSMo, to the contrary notwithstanding, all moneys in the fund created in subsection 12 of this section shall not be transferred and

placed to the credit of the general revenue fund at the end of each biennium.

14. The department shall promulgate rules and regulations for the implementation of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

163.172. 1. In school year 1994-95 and thereafter, the minimum teacher's salary shall be eighteen thousand dollars. Beginning in the school year 1996-97, for any full-time teacher with a master's degree and at least ten years teaching experience in a public school or combination of public schools, the minimum salary shall be twenty-four thousand dollars.

2. Beginning with the budget requests for fiscal year 1991, the commissioner of education shall present to the appropriate committees of the general assembly information on the average Missouri teacher's salary, regional average salary data, and national average salary data **and a history of the cost to the state for the minimum salary for teachers programs.**

3. As used in this section, the following terms mean:

(1) "Full-time", shall be defined as a teacher working under school district contract for all school days and hours eligible for attendance of students;

(2) "Master's degree or its equivalent", shall be at a minimum a bachelor's degree plus at least thirty-two additional hours of course work which results in at least one additional certification;

(3) "Regular school term", has a minimum of one hundred seventy-four days and one thousand forty-four hours of pupil attendance possible for students;

(4) "Salary", shall include the salary and minimum salary supplements amounts which appear on the teacher's contract for the regular school term and does not include supplements for extra duties, summer school, career ladder, or extensions of the contract year;

(5) "Teacher", shall include all certificated school district personnel paid pursuant to the school district teacher salary schedule.

[3.] **4. All school district employee salary and personnel policy information shall be public information.**

[4. As used in this section, the term "salary" shall be defined as the salary figure which appears on the teacher's contract and as determined by the local school district's basic salary schedule and does not include supplements for extra duties.]

5. The minimum salary for any fully certificated teacher employed on a less than full-time basis by a school district, state school for the severely handicapped, the Missouri School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts provided in subsections 1 and [2] **10** of this section.

[6. Beginning with the 1996-97 school year, the general assembly shall make an annual

appropriation to the excellence in education fund established in section 160.268, RSMo, for the purpose of fulfilling the minimum salary requirements for public school teachers in those districts meeting the qualifications established in subsection 7 of this section. The appropriation shall be sufficient to ensure that all qualifying districts are able to comply with the minimum salary requirements of this section. The department of elementary and secondary education shall determine, prior to each school year, those districts which shall be eligible to receive funds in this subsection during the school year. A qualifying district shall be eligible to receive funds appropriated in this subsection only during the first three years following the district's qualifying for such funds.

7. To qualify to begin receiving funds in subsection 6 of this section, a school district shall meet all of the following criteria:

(1) A portion of the real property of the district shall have been removed from the tax rolls due to the impact of state or federal government action;

(2) The district shall have received no more state aid on a per pupil basis for each of the last three school years, exclusive of categorical funding, than the district received for the 1992-93 school year;

(3) The salaries paid to all teachers in the district for the school year prior to qualification shall be totally compacted at the eighteen thousand dollar per year minimum established in this section;

(4) The district shall have in its employ for the school year prior to qualification one or more teachers with a master's degree and at least ten years' teaching experience in a public school or a combination of public schools;

(5) The district shall be financially distressed or have a history of deficit spending which, if continued, will cause the district to become financially distressed within three years;

(6) The district had an enrollment of no greater than four hundred pupils for the preceding school year; and

(7) The district shall have levied an operating levy for school purposes of not less than two dollars seventy-five cents per one hundred dollars of assessed valuation for the previous year and shall continue to levy at no less than that rate.

8. For any school year in which a school district receives funds pursuant to subsections 6 and 7 of this section, such school district shall continue to expend on teacher salaries no less than the amount it expended on teacher salaries in the school year immediately prior to the school year in which it first receives such funds.

9. No school district receiving funds pursuant to subsections 6 and 7 of this section shall receive additional funds pursuant to subsection 6 of this section by virtue of the annexation of another school district to such school district during or after the school year immediately prior to the school year in which the annexing district first receives such funds; nor shall any school district

annexed to a school district receiving funds pursuant to subsections 6 and 7 of this section also receive funds pursuant to subsection 6 of this section by virtue of such annexation if such annexation occurred during or after the school year immediately prior to the school year in which the annexing school district first receives such funds.]

6. Beginning in school year 2000-2001, for districts choosing to participate in the program receiving funds pursuant to subsection 7 of this section, the minimum salary for a full-time teacher shall be at least twenty-two thousand dollars, the minimum salary for the full-time teacher with at least five years of previous experience shall be at least twenty-five thousand dollars, the minimum salary for a full-time teacher with at least nineteen years of previous experience or a full-time teacher with at least a master's degree or its equivalent and at least ten years previous experience shall be at least twenty-eight thousand dollars, the minimum salary for a full-time teacher with at least a master's degree or its equivalent and at least nineteen years of previous experience shall be at least thirty-four thousand dollars, and the minimum salary for a full-time teacher with at least a master's degree or its equivalent and at least twenty-nine years of previous experience shall be at least forty thousand dollars.

7. Beginning with the 2000-2001 school year, the general assembly shall make an annual appropriation to the excellence in education fund established in section 160.268, RSMo, for the purpose of paying public school teacher minimum salary supplements in those districts meeting the qualifications established in subsection 8 of this section and seeking to receive payments pursuant to this subsection. If the appropriation of the general assembly is insufficient to pay the total cost of all salary supplements the minimum salary amounts of subsection 6 of this section shall be prorated until the amount appropriated is sufficient to make the payments to all participating school districts.

8. To make application and qualify to begin receiving funds pursuant to subsection 7 of this section, a school district shall meet all of the following criteria:

(1) Levy a tax rate in the current year in incidental and teachers funds totaling no less than the operating levy for school purposes for the 1999-2000 school year after all reductions and rollbacks, excluding reductions to the district tax rate ceiling as required by article X, section 22 of the Missouri constitution and tax rate reductions required pursuant to law;

(2) Make no increase in any voluntary tax rate rollback for operations compared to the 1999 property tax year;

(3) Make no transfer of revenue or balance from either incidental or teachers funds to either debt service or capital projects funds in excess of statutory authority;

(4) Employ all teachers in accordance with district policy with at least one

teacher paid according to the district's salary schedule at less than the minimum salary as specified in subsection 6 of this section;

(5) Make no reduction in any salary amount in the district's teacher salary schedule compared to the district's 1999-2000 teacher salary schedule unless the district is financially stressed as identified by the department of elementary and secondary education;

(6) Beginning with school year 2000-2001, determine the salary of any teacher who is a new employee to a school district by placement on the district's salary schedule using all of the teacher's previous years of public school teaching experience;

(7) Beginning with school year 2000-2001, for any school district which is not financially stressed pay each returning teacher a salary for the regular school term which is no less than the salary paid that teacher during the previous school term on a full-time employee equivalent basis.

9. Reductions or penalties to state aid payments to school districts pursuant to subsection 7 of this section paying minimum salary supplements to teachers shall occur under the following condition: the amount of end-of-year fund balance in incidental and teachers funds combined in excess of the greater of fifteen percent of expenditures in these funds or the 1999-2000 end-of-year fund balance in these funds shall be subtracted the following year from state payments paid pursuant to subsection 7 of this section and if necessary from state aid paid pursuant to section 163.031.

10. Future increases in minimum salaries established pursuant to subsection 6 of this section for teachers shall be contingent upon decreases in total state payments to all districts made pursuant to subsection 7 of this section. The second fiscal year following a fiscal year in which state cost of funding the minimum salary program pursuant to subsection 7 of this section is eighty-five percent or less of the full funding cost for the first school year of the state funding of minimum salaries for teachers pursuant to subsection 7 of this section, the value of each level of minimum salary provided in subsection 6 of this section shall be increased by one thousand dollars.

11. Expenditures related to state minimum salary revenue received by a district shall not be used to determine compliance with any other provisions of law including compliance with section 165.016, RSMo.

12. The state board of education shall issue rules and regulations as necessary for the efficient and effective implementation of this section. All such rules shall be promulgated pursuant to chapter 536, RSMo.

13. State minimum salary supplements paid pursuant to subsection 7 of this section shall be funded from any increases in state revenues from taxation of riverboat gaming operations, including boarding fees and lottery proceeds, compared to the

amount of these revenues appointed in fiscal year 2000.

167.645. [No public school student shall be promoted to a higher grade level unless that student has a reading ability level at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999, RSMo.] **1. For purposes of this section, "reading assessment" shall mean a recognized method of judging a pupil's reading ability, with results expressed as reading at a particular grade level, including, but not limited to, standard checklists designed for use as a student reads out loud, paper-and-pencil tests promulgated by nationally recognized organizations and other recognized methods of determining a student's reading accuracy, expression, fluency and comprehension in order to make a determination of the child's grade-level reading ability.**

2. For purposes of this section, methods of reading assessment shall be determined by each school district. School districts are encouraged to use multiple methods of assessment. Assessments which do not give a grade-level result may be used in combination with other assessments to reach a grade-level determination. Each school district shall, at the end of the third grade, administer a reading assessment to any student determined to be below grade level or set of assessments to each pupil within forty-five days of the end of each school year, except that the provisions of this subsection shall not apply to:

(1) Pupils receiving special education services under an individualized education plan pursuant to sections 162.670 to 162.999, RSMo;

(2) Students whose second language is English; or

(3) Students in an educational plan under section 504 of the Federal Rehabilitation Act of 1973, 20 U.S.C. Section 794, as amended, where it is determined that such student's disability affects such student's ability to read; or

(4) Students who have been determined, prior to the beginning of any school year, to have an intellectual ability insufficient to meet the reading requirement set out in this section, so long as the parents or guardians have been notified of such fact and acknowledge said notice in writing. Students may be given the assessment as many times as the school district allows in order to meet the reading standard set out in this section. If any student taking an assessment fails to meet the standard, the student's parents or guardians shall be notified.

3. A student scoring proficient or advanced on the statewide assessment in communication arts shall be considered meeting the reading standard as defined in this subsection. For each student whose reading assessment at the end of any given school year determines that such student is reading below the first month of the grade level

immediately below the grade level of the student's current school year, the school shall notify the student's parents or guardians of the student's reading assessment and the student shall be required to attend summer school reading instruction. A school district may arrange the hours and days of instruction to coordinate with its regular program of summer school. If at the end of summer school reading instruction, the student has still not met the reading standard required in this section, the school district shall design a reading plan for the student's next grade. Such reading plan shall include, at a minimum, thirty hours of additional reading instruction or practice outside the regular school day during the next grade. Summer school reading instruction shall include a minimum of forty clock hours of reading instruction and practice. The school district shall determine the method of reading instruction necessary to enforce this subsection. If the student and the student's parents or guardians agree to the reading plan, the student may be promoted to the next grade level but shall be on probation until such time as the student has met the reading standard.

4. Each student for whom a reading plan has been designed pursuant to subsection 3 of this section shall be given another reading assessment, to be administered within forty-five days of the end of such student's next grade year. If such student is determined to be reading below the first month of the grade level immediately below the grade level of the student in that school year, the school shall notify the student's parents or guardians and the student shall be required to attend summer school reading instruction. If at the end of summer school reading instruction, the student has still not met the standard required in this section and such student is determined to be reading below the level required by this section, the school shall notify the student's parents or guardians and the student shall not be promoted to a higher grade level. No student shall be denied promotion more than once solely for inability to meet the reading standards set out in this section.

5. The process described in subsections 3 and 4 of this section shall be first applied to students seeking promotion to third grade and repeated as necessary through the end of the eighth grade, with the target grade level rising accordingly.

6. The mandatory process of additional reading instruction pursuant to this section shall cease at the end of summer school after eighth grade. If, at that time, the student is eligible for promotion, the provisions of this section shall no longer apply.

7. Each school district shall be required to offer summer school reading instruction to any student with a reading plan. Districts may fulfill the requirement of this section through cooperative arrangements with other districts.

8. A school district may adopt a policy that requires retention in grade of any student who has been determined to require summer school reading instruction and

who does not fulfill the summer school reading instruction attendance requirement.

9. A school district may adopt a policy that is more stringent or requires a higher standard than required by this section.

10. A school district may not be penalized on its Missouri school improvement program evaluation or any other state evaluation for changes in curriculum or procedures instituted to allow more students to meet the reading standard set out in this section.

172.036. 1. Four persons, one from each campus of the University of Missouri, who meet the qualifications established in this section shall be appointed by the governor, with the advice and consent of the senate, as faculty member representatives to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee for each campus from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of that campus. Such faculty member representative shall have the same powers as the other members of the board of curators, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be a full-time tenured faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board of curators for more than two terms.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint, pursuant to subsection 1 of this section, a replacement who meets the qualifications set forth in subsection 2 of this section.

5. If the faculty member representative ceases to be a full-time faculty member at the University of Missouri, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

172.037. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not [a] student [or faculty representative] **representatives**, a given meeting closed

pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative[, the faculty representative or both].

172.880. 1. There is hereby established, at the Rolla campus of the University of Missouri, the Missouri Engineering and Science Academy (MESA) for the purpose of educating high ability high school students who have an interest in science or engineering and have demonstrated abilities in science and mathematics.

2. The academy curriculum will be developed by faculty at the Rolla campus of the University of Missouri. The academy will be managed and funded through the Rolla campus of the University of Missouri.

172.890. 1. There is hereby established, at the Rolla campus of the University of Missouri, a science summer program for in-service science teachers to enhance their knowledge and awareness of environmental matters associated with the history of natural resource development and land use changes in Missouri.

2. The goals of this program shall include:

(1) Educating teachers who are community leaders about environmental concerns and potential health and public safety risks;

(2) Increasing the local capacity of educators to develop and deliver a coordinated environmental education program;

(3) Developing and illustrating the concepts that demonstrate how the geologic environment directly impacts and controls the social and economic development of Missouri;

(4) Providing opportunities for participants to acquire knowledge about the development of Missouri's mineral and agricultural resources; and

(5) Providing opportunities for science teachers to build networks for common growth and support as they pursue effective careers in teaching the children of Missouri.

3. The science summer program established pursuant to this section will be funded, administered and taught by faculty at the Rolla campus of the University of Missouri with assistance from the department of elementary and secondary education.

4. Participating in the science summer program may be included as part of a teacher's participation in the career plan of a school district participating in the career development and teacher excellence plan pursuant to sections 168.500 to 168.515, RSMo, to the extent such participation is consistent with the teacher's career plan approved by the school board.

174.056. 1. There shall be a faculty representative to the board of regents of each educational institution referred to in section 174.020, appointed by the governor, with the advice and consent of the senate, who shall attend all meetings and participate in

all deliberations of the board. The governor shall select an appointee from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of the institution. Such faculty member representative shall have the same powers as the other members of the board of regents, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be a full-time tenured faculty member at the institution, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board of a particular institution for more than two terms.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor, pursuant to subsection 1 of this section, shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section.

5. If the faculty member representative ceases to be a full-time faculty member at the institution, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

174.059. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not student representatives, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative.

174.610. [1.] The governing board of the Truman State University shall be a board of governors consisting of ~~ten~~ **eleven** members, composed of seven voting members and ~~three~~ **four** nonvoting members as provided in section 174.620, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting governor who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years ~~next~~ **immediately** prior to ~~his~~ **such person's** appointment. Not more than four voting governors shall belong to any one political party. The appointed members of the board of regents serving on January 1, 1986, shall become members of the board of governors on January 1, 1986, and serve until the expiration of the terms for which they were appointed.

[2. The board of regents of the Truman State University is abolished.]

174.620. 1. The board of governors shall be appointed as follows:

(1) Four voting members [shall be selected] from the counties of Adair, Audrain, Boone, Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon, Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler, Scotland, Shelby, Sullivan, and Warren, provided that not more than one member shall be appointed from the same county [of these aforementioned counties];

(2) Three voting members [shall be selected] from any of the seven college districts as contained in section 174.010, provided that no more than one member shall be appointed from the same congressional district;

(3) Two nonvoting members whose residence is other than the state of Missouri and who are knowledgeable of the educational mission of liberal arts institutions [shall be selected]; [and]

(4) One nonvoting member who is a student [shall be selected as provided in section 174.055]. **Such student representative shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board, but shall have all other powers and duties of section 174.055, and shall also meet the qualifications of section 174.055; and**

(5) One nonvoting member who is a faculty member shall be selected as provided in section 174.622.

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; except, that of the voting members first appointed, two shall serve for terms of two years, two for terms of four years, and three for terms of six years;

(2) The nonvoting members who are not students **or faculty members** shall be appointed for terms of six years; except, that of the nonvoting members first appointed, one shall serve for a term of three years, and one shall serve a term of six years; and

(3) The nonvoting student member shall serve a two-year term as provided in section 174.055, **and the nonvoting faculty member shall serve a three-year term as provided in section 174.622.**

3. The governors, **both voting and nonvoting** while attending the meetings of the board shall receive their actual and necessary expenses, which shall be paid out of the ordinary revenues of the university. Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner provided by law for such vacancies on the board of curators of the [State] University of Missouri.

174.621. 1. For the purposes of sections 174.500 to 174.630, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not student representatives, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative.

174.622. 1. There shall be a faculty representative to the board of governors of Truman State University, appointed by the governor, with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of Truman State University. Such faculty member representative shall have the same powers as the other members of the board of governors, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be a full-time tenured faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board for more than two terms.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint, pursuant to subsection 1 of this section, a replacement who meets the qualifications set forth in subsection 2 of this section.

5. If the faculty member representative ceases to be a full-time faculty member at the university, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of governors receive pursuant to section 174.620.

175.020. The board of curators of Lincoln University of Missouri shall hereafter consist of nine members who shall be appointed by the governor, by and with the advice and consent of the senate. No person shall be appointed a curator who shall not be a citizen of the United States and who shall not have been a resident of the state of Missouri two years next prior to his **or her** appointment. Not more than five curators shall belong to any one political party.

175.021. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government association of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of his **or her** appointment as a student at the university.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1989.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until his **or her** successor is appointed and qualified.

5. If the student representative ceases to be a student at the university, or a resident of the state of Missouri, or fails to attend any regularly called meeting of the board of which [he] **the representative** has due notice, [his] **the** position shall at once become vacant, unless [his] **the** absence is caused by sickness or some accident preventing [his] **the representative's** arrival at the time and place appointed for the meeting.

6. The student representative shall receive [no compensation or reimbursement for expenses] **the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.**

7. [The student representatives of all public colleges and universities] **Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative** shall have paid all student and tuition fees due prior to [said appointments] **such appointment** and shall pay all future student and tuition fees during the term of office when [said] **such** fees are due.

175.022. 1. There shall be a faculty representative to the board of curators of Lincoln University, appointed by the governor, with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of Lincoln University. Such faculty member representative shall have the same powers as the other members of the board of curators, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be a full-time tenured faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board for more than two terms.

4. If a vacancy occurs for any reason in the position of faculty member

representative, the governor shall appoint, pursuant to subsection 1 of this section, a replacement who meets the qualifications set forth in subsection 2 of this section.

5. If the faculty member representative ceases to be a full-time faculty member at the university, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.

175.023. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not student representatives, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative.

Section B. Because of the need for Missouri elementary students to be adequately trained in reading, the repeal and reenactment of section 167.645 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 167.645 shall be in full force and effect upon its passage and approval.

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